

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

THOMAS HOLMES,

Plaintiff,

v.

GAINEY TRANSPORTATION SERVICES
INC., et al.,

Defendants.

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Civil Action No.
5:08-CV-422 (HL)

ORDER

Before the Court are Defendants' Amended Motion for Continuance or in the Alternative, to Exclude Evidence of Plaintiff's Need for Surgery (Doc. 34). The motion is denied.

Defendants are concerned that Plaintiff will produce new medical records indicating that Plaintiff will need surgery. Defendants ask for a continuance so that they may obtain Plaintiff's medical records and have an expert evaluate them. Alternatively, they ask the Court to enter an order preventing Plaintiff from presenting evidence at trial that he will need surgery.

The Court finds that Defendants' requests are premature. Plaintiff is under a continual obligation to provide Defendants relevant discovery material regarding damages. To date, the Court believes that Plaintiff has complied with this obligation. Plaintiff has provided Defendants his medical records and bills and has informed Defendants that he has received MRI and EEG testing. He provided Defendants the results of the testing. No records have been produced that indicate Plaintiff needs surgery.

If Plaintiff produces material indicating his need for surgery, then at that time the Court may consider a motion for continuance or a motion to exclude evidence.

SO ORDERED, this the 12th day of March, 2010.

s/ Hugh Lawson
HUGH LAWSON, SENIOR JUDGE

lmc